

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 18, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be **AMENDED** as follows:

- 1 Replace the effective dates in SECTIONS 1 through 2 with
- 2 "[EFFECTIVE UPON PASSAGE]".
- 3 Page 1, between lines 3 and 4, begin a new paragraph and insert:
- 4 **"(b) As used in this section, felony means a conviction in any**
- 5 **jurisdiction for which the convicted person might have been**
- 6 **imprisoned for at least one (1) year. However, the term does not**
- 7 **include a conviction:**
- 8 **(1) for which the person has been pardoned; or**
- 9 **(2) that has been:**
- 10 **(A) reversed;**
- 11 **(B) vacated;**
- 12 **(C) set aside; or**
- 13 **(D) not entered because the trial court did not accept the**
- 14 **person's guilty plea."**
- 15 Page 1, line 4, strike "(b)" and insert "(c)".
- 16 Page 1, line 4, strike "holding" and insert "**assuming**".
- 17 Page 1, line 5, after "if" insert ":".
- 18 Page 1, line 5, strike "the person:".
- 19 Page 1, line 6, after "(1)" insert "**the person**".
- 20 Page 1, line 9, after "(2)" insert "**the person**".
- 21 Page 1, line 11, strike "has:" and insert "**in a**

- 1 **(A) jury trial, a jury publicly announces a verdict against**
 2 **the person for a felony;**
 3 **(B) bench trial, the court publicly announces a verdict**
 4 **against the person for a felony; or**
 5 **(C) guilty plea hearing, the person pleads guilty or nolo**
 6 **contendere to a felony;".**

7 Page 1, strike lines 12 through 13.

8 Page 1, line 14, strike "a felony (as defined in".

9 Page 1, line 14, delete "IC 35-50-2-1(b)), and the".

10 Page 1, delete line 15.

11 Page 1, line 16, after "(4)" insert "**the person**".

12 Page 2, line 2, after "(5)" insert "**the person**".

13 Page 2, line 5, after "(6)" insert "**the person**".

14 Page 2, between lines 10 and 11, begin a new paragraph and insert:

15 **"(d) The reduction of a felony to a Class A misdemeanor under**
 16 **IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of**
 17 **subsection (c)."**

18 Page 2, line 15, delete "IC 35-50-2-1(b)." and insert "**IC 3-8-1-5.**".

19 Page 2, line 20, after "when" insert ":".

20 Page 2, line 21, delete "the court pronounces the sentence for".

21 Page 2, line 22, delete "the felony;"; begin a new line double block
 22 indented and insert:

- 23 **"(A) in a jury trial, a jury publicly announces a verdict**
 24 **against the person for a felony;**
 25 **(B) in a bench trial, the court publicly announces a verdict**
 26 **against the person for a felony; or**
 27 **(C) in a guilty plea hearing, the person pleads guilty or**
 28 **nolo contendere to a felony;".**

29 Page 2, line 24, delete "court pronounces the sentence for" and insert
 30 **"officer is removed from office under subdivision (1)."**

31 Page 2, delete line 25, begin a new paragraph and insert:

32 **"(c) The reduction of a felony to a Class A misdemeanor under**
 33 **IC 35-50-2-7 or IC 35-38-1-1.5 does not affect the operation of**
 34 **subsection (b)."**

35 Page 2, line 26, strike "(c)" and insert "**(d)**".

36 Page 2, line 26, strike "is reversed, vacated, or set aside," and insert
 37 **"is:**

- 38 **(1) reversed;**
 39 **(2) vacated;**
 40 **(3) set aside;**
 41 **(4) for a felony other than a felony arising out of an action**
 42 **taken in the officer's official capacity, reduced to a Class A**

- 1 **misdemeanor under IC 35-50-2-7 or IC 35-38-1-1.5; or**
 - 2 **(5) not entered because the trial court did not accept the guilty**
 - 3 **plea;"**.
 - 4 Page 2, line 26, beginning with "and" begin a new line blocked left.
 - 5 Page 2, line 27, delete ":".
 - 6 Page 2, line 28, strike "(1)".
 - 7 Page 2, line 28, delete ";".
 - 8 Page 2, line 29, strike "(2)".
 - 9 Page 2, run in lines 27 through 31.
 - 10 Page 2, line 32, strike "(d)" and insert "(e)".
 - 11 Page 2, line 36, strike "(e)" and insert "(f)".
 - 12 Page 2, after line 39, begin a new paragraph and insert:
 - 13 "SECTION 3. **An emergency is declared for this act.**".
- (Reference is to SB 18 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 10, Nays 0.

Senator Bray, Chairperson